1	THE HONORABLE MARSHA J. PECHMAN			
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7	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF			
8	WASHINGTON AT SEATTLE			
9	T-SCAN CORPORATION, a Washington No. C10-470 MJP corporation,			
10	Plaintiff, VERDICT FORM			
11	v.			
12	BPA TECHNOLOGIES, a California corporation			
13	Defendant.			
14	Defendant.			
15				
16	We, the jury, answer the questions submitted by the court as follows:			
17 18	1) Has T-Scan proved that Defendant BPA Technologies materially breached the			
19	Yes No			
20				
21	INSTRUCTION: If you answered "yes," proceed to Question 2. If you answered "no," proceed to Question 5.			
22				
23	2) Has BPA Technologies proven that an affirmative defense excuses its breach, with all of you agreeing on the same affirmative defense?			
24	Yes No			
25				
26	INSTRUCTION: If you answered "yes," proceed to Question 3. If you answered "no," proceed to Question 4.			

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26

1	3) Which were the affirmative defense(s) that you all agreed upon?				
2	a. Did T-Scan fail to mitigate damages?				
3		Yes	No		
4	h Did T Soon aither through its conduct or word	a waive the rea	viroment that		
5	b. Did T-Scan either through its conduct or words, waive the requirement to BPA deliver the software, or portions thereof, by a particular date?				
6		Yes /	No		
7		<u></u>	·		
8	c. Did T-Scan take unjustified action which prev obligations?	ented BPA's per	rformance of its		
10		Yes	No		
11		 			
12	d. Did T-Scan fail to exercise good faith in perfo agreement?	rming its obliga	tions under the		
13	agreement.	Yes	No		
14					
15					
16	4 and proceed to Question 5.				
17	4) What were T-Scan's damages from the breach?				
18		\$			
19	INSTRUCTION: Continue to Question 5.				
20	5) II DDA Ti chardrain and 1d a Tig	1 1 . 1 4	40		
21	5) Has BPA Technologies proved that T-Scan materially	v breached the co	No /		
22					
23					
24	INSTRUCTION: If you answered "yes," proceed to Q "no," sign and date this verdict form.	Question 6. If yo	ou answered		
25	Mo, sign und date ints verdici jorni. 11 Shawn C. Drustee 9/16/.	h			
26	II a nam C. 5 miles				
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	VERDICT FORM				

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1	6) What were BPA Technologies' damages from the breach'	?
2		\$
3	INSTRUCTION: Sign this verdict and notify the bailiff.	
4		
5	DATE:	Presiding Juror
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